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SENATE

REPORT
98-391

NATIONAL MARINE FISHERIES SERVICE AUTHORIZATION

APRIL 11, (legislative day, MARCH 26), 1984.—Ordered to be printed

Mr. PACKWOOD, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

[To accompany S. 2463]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 2463) to authorize appropriations of funds for certain fisheries programs, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF BILL

The bill, as reported, reauthorizes those programs of the National Marine Fisheries Service which are authorized in the National Oceanic and Atmospheric Administration Marine Fisheries Program Authorization Act (Public Law 98-210). The 1985 authorization is $75 million.

BACKGROUND AND NEEDS

Over the last 2 years, the Committee has sought to consolidate the patchwork of standing authorizations that apply to a significant portion of the budget of the National Oceanic and Atmospheric Administration (NOAA). The goal of the Committee is to play an active role in deciding how all NOAA programs will be carried out and how all NOAA's funds will be spent. Also, it is the Committee's intent to create a rational connection between the NOAA budget structure and all existing annual authorizations affecting the agency's mission.

The Committee has been working to review all NOAA programs with the goal of enacting regularly expiring authorization legislation covering the entirety of NOAA. The Committee succeeded last year in reporting S. 1099, which incorporated the standing authorizations for numerous National Marine Fisheries Service (NMFS) programs in an annual authorization act. The bill was enacted as P.L. 98-210.

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This bill, S. 2463, primarily reauthorizes for fiscal year 1985 the programs included in last year's legislation.

Legislative History

S. 2463 was introduced on March 22, 1984. No hearings were held on this authorization bill. On March 27, the Committee unanimously reported the bill to the Senate without amendment.

Summary of Major Provisions

S. 2463, as reported, would:

1. Authorize the appropriation of $28 million to NMFS to carry out its information collection and analysis duties under law for fiscal year 1985. This budget subactivity includes the collection, analysis and dissemination of scientific data necessary to manage marine fishery resources, marine mammals, endangered species and their habitats.
2. Authorize the appropriation of $35 million to NMFS to carry out its conservation and management operations duties under law for fiscal year 1985. This budget subactivity involves such functions as development, implementation, and enforcement of conservation and management measures to achieve continued optimum use of living marine resources, including hatchery operations, fishery management plan activities, habitat conservation, and protected species management.
3. Authorize the appropriation of $12 million to NMFS to carry out its State and industry assistance duties under law for fiscal year 1985. This budget subactivity includes such functions as financial assistance for fishing vessels and fish processing plants, market development for fishery products, product quality, and grants to States for improving management of the interstate fisheries and stimulating fishery development.
4. Make clear that the above three budget subactivity authorizations provide funding for agency functions which are separate and distinct from the functions outlined in other cyclical authorization legislation under which appropriations are made to the agency.
5. Authorize the appropriation of $1 million to NMFS for continuation of the research project commonly known as the Emergency Striped Bass Study.
6. Authorize the operation of the Fishermen's Guaranty Fund, a fund that compensates U.S. fishermen for financial losses resulting from seizures of their vessels by foreign governments.
7. Extend the authority of the Secretary of Commerce to deposit foreign fishing fees into the Fisheries Loan Fund .Also, authorize $50,000 for the Secretary of Commerce to use volunteers to assist in programs conducted by NOAA.
8. Extend provisions of law that allow the Secretary of Commerce to make loans from the Fisheries Loan Fund to fishermen to avoid default on Federal loan guarantees.
9. Authorize funding of the Deep Seabed Hard Mineral Resources Act for 3 years at a level of $1,500,000.

Estimated Costs

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

U.S. Congress,
Congressional Budget Office,
Washington, D.C., April 6, 1984.

Hon. Bob Packwood,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: The Congressional Budget Office has prepared the attached cost estimate for S. 2463, a bill to authorize appropriations of funds for certain fisheries programs, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

Rudolph G. Penner,
Director.

Congressional Budget Office Cost Estimate

1. Bill number: S. 2463.
2. Bill title: A bill to authorize appropriations of funds for certain fisheries programs, and for other purposes.
3. Bill status: As ordered reported by the Senate Committee on Commerce, Science, and Transportation, March 27, 1984.
4. Bill purpose: S. 2463 would authorize appropriations of $75 million for marine fisheries resource programs in 1985. The bill would also authorize $1.5 million for each of the fiscal years 1985, 1986, and 1987 for activities under the Deep Seabed Hard Mineral Resources Act, and $1 million for emergency striped bass research.

S. 2463 would allow the Fishermen's Guaranty Fund in the Department of Commerce (DOC) to make disbursements in fiscal year 1985 from fees collected pursuant to the Fishermen's Protective Act. The bill would reauthorize the Fisheries Loan Fund in DOC through 1985, and also extend through 1985 the authorization of appropriations of $100,000 to the Department of the Interior (DOI) and $50,000 to DOC for recruiting and training volunteers who assist certain programs conducted by DOC and DOI. Fiscal year 1984 appropriations to date for the Fishermen's Guaranty Fund and the Fisheries Loan Fund have been $2.1 million and $3.2 million, respectively. No funds have ever been appropriated or requested for the volunteer training program.

The President is requesting $1.8 million for the Fishermen's Guaranty Fund in 1985. The Administration is not seeking reauthorization of the Fisheries Loan Fund in 1985, and would transfer the receipts

from foreign fishing fees, which are currently deposited into the fund, to other activities. An estimated $90 million will have accumulated in the fund by the end of 1984, and an estimated $30 million will be collected from fees during 1985.

5. Estimated cost to the Federal Government:

	Millions
Estimated authorization level:	
Fiscal year:	
1985	$83.1
1986	1.5
1987	1.5
1988	-----
1989	-----
Estimated outlays:	
Fiscal year:	
1985	57.0
1986	23.2
1987	3.7
1988	2.1
1989	.1

The costs of this bill fall within budget functions 300 and 370.

Basis of estimate

For purposes of this estimate, it was assumed that the amounts specified for each program would be appropriated prior to the beginning of each fiscal year. In the absence of specific funding levels in S. 2463 for the Fishermen's Guaranty Fund and the Fisheries Loan Fund, the authorization level for 1985 was estimated to be CBO's baseline projections. Outlays reflect historical spending patterns for each program.

6. Estimated cost to State and local governments: None.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Mary Maginniss, Deb Reis.

10. Estimate approved by: James L. Blum, Assistant Director for Budget Analysis.

Regulatory Impact Statement

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation:

The bill, as reported, provides a vehicle for the annual authorization of appropriations for programs previously funded pursuant to standing authorization. The additional provisions of this bill either reauthorize existing NMFS programs or extend provisions of law that grant the Secretary of Commerce certain authority.

The bill will result in no additional regulatory burdens on either individuals or businesses.

The economic effects of the bill will be minimal since it is only providing a continuation of existing authority for programs of the NMFS.

There will be no impact on personal privacy, nor will there be any new paperwork requirements.

Section-by-Section Analysis

This bill amends the National Oceanic and Atmospheric Administration Marine Fisheries Program Authorization Act (Public Law 98–210). Funding is included for all three budget subactivities of the National Marine Fisheries Service: information collection and analysis fishery conservation and management, and State and industry assistance.

SECTION 1

This section authorizes $28 million for a portion of the information collection and analysis functions of the National Marine Fisheries Service.

SECTION 2

This section authorizes $35,000,000 for a portion of the fishery conservation and management activities of the National Marine Fisheries Service.

SECTION 3

This section provides a $12,000,000 authorization for NMFS to carry out a portion of its State and industry assistance programs.

SECTION 4

This section contains language to make clear that the funds authorized in this bill are separate and distinct from monies in seven existing cyclical authorizations under which appropriations are also made to the agency. The money provided in this bill funds activities which are separate and distinct from the activities funded in those seven acts. These seven existing authorizations are the Magnuson Fishery Conservation and Management Act; the Marine Mammal Protection Act; the Endangered Species Act; the Anadromous Fish Conservation Act; the Commercial Fisheries Research and Development Act; Salmon and Steelhead Conservation Act; and the Central, Western and South Pacific Fisheries Development Act.

SECTION 5

This section authorizes $1 million for fiscal year 1985 for continuation of the research project commonly known as the Emergency Striped Bass Study. The study monitors the status of striped bass stocks and is working to identify factors responsible for their drastic decline. The level of funding is the same as last year.

SECTION 6

Paragraph (1) reauthorizes section 7 of the Fishermen's Protective Act. This is the legislation which created the Fishermen's Guaranty Fund. The Fishermen's Guaranty Fund provides direct compensation to U.S. vessel owners and crews for financial losses resulting from seizures of their vessels by foreign governments on the basis of rights

or claims not recognized by the United States. This has been a particular problem for the operations of the U.S. tuna and shrimp industries off Latin America.

Paragraph (2) permits the disbursement, without an appropriation, of that portion of the Fund which consists of monies contributed by the fishing industry.

SECTION 7

Subsection (a) extends through fiscal year 1985 the authority of the Secretary to deposit foreign fishing fees into the Fisheries Loan Fund. The loan fund is used for financial emergencies related to the operation of commercial fishing vessels.

Subsection (b) extends through fiscal year 1985 the authorization of $50,000 for the Secretary of Commerce and $100,000 for the Department of the Interior to recruit, train, and accept volunteers to assist in fish and wildlife programs.

SECTION 8

This section extends provisions of law that allow the Secretary of Commerce to make loans from the Fisheries Loan Fund to fishermen to avoid default on Federal loan guarantees or to cover vessel operating expenses under certain circumstances.

SECTION 9

This section contains a 3-year reauthorization of the Deep Seabed Hard Mineral Resources Act at a level of $1,500,000 annually for fiscal years 1985, 1986, and 1987. This act provides the regulatory structure for development of deep seabed mining activities by U.S. citizens.

Changes in Existing Law

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in italic, existing law in which no change is proposed is shown in roman):

The National Oceanic and Atmospheric Administration Marine Fisheries Program Authorization Act

Section 2 of that Act

FISHERIES INFORMATION COLLECTION AND ANALYSIS

Sec. 2. (a) There are authorized to be appropriated to the Department of Commerce to enable the National Marine Fisheries Service to carry out its Fisheries Information Collection and Analysis duties under law, $26,500,000 for fiscal year 1984[.], *and $28,000,000 for fiscal year 1985.* These moneys shall be used to fund those duties relating to fisheries information collection and analysis specified by the

Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.), the Act of May 11, 1938 (16 U.S.C. 755), and the Fur Seal Act of 1966 (16 U.S.C. 1151 et seq.), the Act entitled, "An Act to promote the conservation of wildlife, fish, and game, and for other purposes", approved March 10, 1934 (16 U.S.C. 661 et seq.), and any other law involving such duties. These duties include, but are not limited to, collection analysis and dissemination of scientific data necessary to manage: marine fishery resources, marine mammals, endangered species, and their habitats.

(b) This authorization shall be in addition to any Fisheries Information Collection Analysis moneys authorized under the Magnuson Fishery Conservation and Management Act [of 1976] (16 U.S.C. 1801 et seq.), the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.), and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(c) The duties authorized in subsection (a) of this section shall be considered separate and distinct from duties and functions performed pursuant to moneys authorized in subsection (b) of this section. The total authorization for all such duties and functions shall be the sum of amounts specified in such subsections.

Section 3 of that Act

FISHERIES CONSERVATION AND MANAGEMENT OPERATIONS

SEC. 3. (a) There are authorized to be appropriated to the Department of Commerce to enable the National Marine Fisheries Service to carry out its fisheries conservation and management operations duties under law, $35,000,000 for fiscal year 1984[.] , *and $35,000,000 for fiscal year 1985.* These moneys shall be used to fund those duties relating to fisheries conservation and management operations specified by the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.), the Act of May 11, 1938 (16 U.S.C. 755), the Fur Seal Act of 1966 (16 U.S.C. 1151 et seq.), and the Act entitled, "An Act to promote the conservation of wildlife, fish, and game, and for other purposes", approved March 10, 1934 (16 U.S.C. 661 et seq.), and any other law involving such duties. These duties include, but are not limited to, development, implementation, and enforcement of conservation and management measures to achieve continued optimum use of living marine resources; including hatchery operations, fishery management plan activities, habitat conservation, and protected species management.

(b) This authorization shall be in addition to any fisheries conservation and management moneys authorized under the *Magnuson* Fishery Conservation and Management Act [of 1976] (16 U.S.C. 1801 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), the Salmon and Steelhead Conservation Act of 1980 (16 U.S.C. 3301 et seq.), and the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.).

(c) The duties authorized in subsection (a) of this section shall be considered separate and distinct from duties and functions performed pursuant to moneys authorized in subsection (b) of this section. The total authorization for all such duties and functions shall be the sum of amounts specified in such subsections.

Section 4 of that Act

FISHERIES STATE AND INDUSTRY ASSISTANCE PROGRAMS

SEC. 4. (a) There are authorized to be appropriated to the Department of Commerce to enable the National Marine Fisheries Service to carry out its fisheries State and industry assistance program duties under law, $10,000,000 for fiscal year 1984 [.] , *and $12,000,000 for fiscal year 1985.* These moneys shall be used to fund those duties specified by the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.) and any other law affecting State and industry fisheries assistance. These duties include, but are not limited to, financial assistance for fishing [boats] *vessels* and fish processing plants, market development for fishery products, product quality and grants to States for improving management of interstate fisheries and stimulating fishery development.

(b) This authorization shall be in addition to any fisheries State and industry assistance program moneys authorized under the Commercial Fisheries Research and Development Act of 1964 (16 U.S.C. 779 et seq.), the Act entitled "An Act to authorize the Secretary of the Interior to initiate with several States a cooperative program for the conservation, development, and enhancement of the Nation's anadromous fish, and for other purposes", approved October 30, 1965 (16 U.S.C. 757a et seq.), the Central, Western, and South Pacific Fishery Development Act (16 U.S.C. 758e), and the Magnuson Fishery Conservation and Management Act [of 1976] (16 U.S.C. 1801 et seq.).

(c) The duties authorized in subsection (a) of this section shall be considered separate and distinct from duties and functions performed pursuant to moneys authorized in subsection (b) of this section. The total authorization for all such duties and functions shall be the sum of amounts specified in such subsections.

THE ANADROMOUS FISH CONSERVATION ACT

Section 7 of that Act

SEC. 7. (a)–(c) * * *

(d) There are authorized to be appropriated for the purposes of carrying out the studies described in subsection (a) of this section not to exceed $1,000,000 for the fiscal year ending September 30, 1980, not to exceed $1,750,000 for the fiscal year ending September 30, 1981, not to exceed $2,000,000 for the fiscal year ending September 30, 1982, and not to exceed $1,000,000 for each of the fiscal years ending September 30, 1983, [and] September 30, 1984[.] , *and September 30, 1985.* Funds authorized to be appropriated by this subsection are in addition to any funds authorized by section 4 which may be used for projects involving or affecting striped bass. If the Secretary considers that the studies described in subsection (a) should be continued after September 30, 1982, the Secretary shall inform the Congress in writing before February 15, 1981, of the reasons why and for how long such continuation is believed to be warranted.

THE FISHERMEN'S PROTECTIVE ACT

Section 7 of that Act

SEC. 7. (a)-(d) * * *

(e) The provisions of this section shall be effective until [October 1, 1984] *October 1, 1985*; except that payments , *other than paymenis from fees collected or revenues accruing from deposits or investments of such fees pursuant to subsection (c) of this section*, may be made under this section only to such extent and in such amounts as are provided in advance in appropriation Acts.

(f) * * *

THE FISH AND WILDLIFE ACT OF 1956

Section 4 of that Act

SEC. 4. (a)-(b) * * *

(c) There is created a fisheries loan fund, which shall be used by the Secretary as a revolving fund to make loans for financing and refinancing under this section. Any funds received by the Secretary on or before [September 30, 1984] *September 30, 1985*, in payment of principal or interest on any loans so made shall be deposited in the fund and be available for making additional loans under this section. Any funds received in the fisheries loan fund after [September 30, 1984] *September 30, 1985*, and any balance remaining therein at the close of [September 30, 1984] *September 30, 1985* (at which time the fund shall cease to exist), shall be covered into the Treasury as miscellaneous receipts. There is authorized to be appropriated to the fisheries loan fund the sum of $20,000,000 to provide initial capital.

(d)-(e) * * *

Section 7 of that Act

SEC. 7. (a)-(b) * * *

(c) (1)-(5) * * *

(6) There are authorized to be appropriated to carry out this subsection $100,000 for the Secretary of the Interior and $50,000 for the Secretary of Commerce for each of the fiscal years 1980, 1981, 1982, 1983, [and 1984] *1984, and 1985*.

THE AMERICAN FISHERIES PROMOTION ACT

Section 221 of that Act

SEC. 221. (a) During the period beginning on the date of the enactment of this title and ending at the close of [September 30, 1984] *September 30, 1985*, the Secretary of Commerce (hereinafter in this section referred to as the "Secretary") may make loans from the fisheries loan fund established under subsection (c) of section 4 of the Fish and Wildlife Act of 1956 (16 U.S.C. 742c) only for the purposes set forth in subsections (b) and (c) of this section. Except to the extent that they are inconsistent with or contrary to, this section,

the provisions of such section 4 shall apply with respect to loans made for such purposes.

(b)(1) * * *

(2)(A) Within the 30-day period beginning on the date of the enactment of this title in the case of fiscal year 1981, and before the beginning of each fiscal years 1982, 1983, [and 1984,] *1984, and 1985*, the Secretary shall estimate the number, and the aggregate amount, of loans described in paragraph (1)(A) for which application will likely be made during each of such fiscal years and shall reserve that amount in the fisheries loan fund for the purpose of making such loans during such year (or if such amount is larger than the fund balance, the Secretary shall reserve the whole fund for such purpose).

(B) * * *

(C) At an appropriate time during each of fiscal years 1981, 1982, 1983, [and 1984] *1984, and 1985*, the Secretary shall compare the actual loan experience during that year with the estimate made for that year under subparagraph (A) and if the Secretary determines, on the basis of such comparison, that the demand for loans described in paragraph (1)(A) will be less than estimated, the Secretary shall, for the fiscal year concerned, apply monies reserved for such loans for the purpose of making loans described in paragraph (1)(B) and, to the extent not utilized for loans described in paragraph (1)(B), for the purpose of making loans under subsection (c).

(3) * * *

(c)(1) If the Secretary determines that moneys will be available in such fisheries loan fund for any of fiscal years 1981, 1982, 1983, [and 1984,] *1984, and 1985* after loans under subsection (b) are provided for that year, the Secretary may make loans for the purpose of assisting owners and operators of fishing vessels to cover vessel operating expenses in cases where an owner or operator incurs, or may incur, a net operating loss within such fiscal year.

(2) * * *

THE DEEP SEABED HARD MINERAL RESOURCES ACT

Section 310 of that Act

SEC. 310. There are authorized to be appropriated to the Administrator, for purposes of carrying out the provisions of titles I and II of this title, such sums as may be necessary for the fiscal years ending September 30, 1981, and September 30, 1982, and $1,469,000 for the fiscal year ending September 30, 1983, [and] $2,150,000 for the fiscal year ending September 30, 1984[.], *and $1,500,000 for each of the fiscal years ending September 30, 1985, September 30, 1986, and September 30, 1987.*

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